legal history. The English Order of the Coif was composed of the sergeants-at-law to whom constant reference is made in the law reports.

The American order has now twelve chapters, as follows: Northwestern, Chicago, Wisconsin, Michigan, Missouri, Nebraska, Illinois, Iowa, Leland Stanford, Western Reserve, Virginia, and the University of Pennsylvania. Its badge is a key, similar in general shape to the Phi Beta Kappa key, but with the corners clipped, bearing upon its face a head, showing the wig with the symbolic coif. The original coif was a hood of white lawn; but after wigs came into fashion, completely covering the coif, a piece of white lawn on the top of the wig represented the coif.

The local chapter of the order has not yet been formally organized; but its organization will be perfected very shortly. Graduates of the Law School who would have been eligible to membership had the society existed at the date of their graduation, are eligible to election as members of the local chapter, as are also the members of the Faculty of the Law School.

The charter members of the local chapter are William A. Schnader, Frederick Lyman Ballard, Everett H. Brown, Jr., and L. Pearson Scott.

ADOPTION—EFFECT ON INHERITANCE.—The laws of Vermont[1] provide that, on an adoption, the same rights, duties, and obligations and the same rights of inheritance shall exist between the parties as though the person adopted had been the legitimate child of the adoptive parent, except that the person so adopted shall not be capable of taking property expressly limited to the heirs of the body of the adoptive parent. The question arose, in a recent case,[2] whether such adoption establishes the relationship of parent and child with all the consequences of that relationship, including the right of inheritance from the adoptive parent by the issue of the adopted child. And the court held that it did, interpreting the statute according to the meaning of the term adoption in the civil law.

The doctrine of adoption was unknown to the Common Law of England, and in this country in states whose jurisprudence is based exclusively on that system.[3] It has, however, been recognized by the civil law from the earliest days of its existence, and on the provisions of that law, the statutes adjusted in the different states of the Union have been founded. By the civil law before the time of Justinian, the effect of adoption was to place the person adopted in the same position he would have held had he been born a son of the

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[1] Rev. Laws of Vermont 1880, Secs. 2536-2541.

[2] Batchelder v. Walworth, 82 Atl. 7 (Vt. 1912).

[3] Ross v. Ross, 129 Mass. 243 (1880), which gives a historical sketch of the law; Morrison v. Sessions, 70 Mich. 297 (1888).

adopter. It sometimes happened under this law, however, that a son lost the succession to his own father by being adopted, and to his adoptive father by a subsequent emancipation. To remedy this, Justinian provided, in his code, that the son given in adoption to a stranger should be in the same position to his own father as before, but gained by adoption the succession to his adoptive father if he die intestate.[4] "Augustus did not adopt Tiberius who succeeded him in the empire, till Tiberius had adopted his nephew Germanicus; and the effect of this was that Tiberius became the son, and Germanicus the grandson, of Augustus at the same time."[5]

The leading American case, which applies the principles of the civil law, is Vidal v. Commagere.[6] The court interpreted the word "adoption" (in a case where a child was adopted by a special act of the legislature) and declared "that, as by the common acceptation of the word, the relationship of parent and child with all the consequences of that relationship is understood, * * * as such was its acceptation among the civilians, we cannot say that the legislature used the word in a more restricted sense, in a sense not understood in common parlance, and not known in any system of laws."

The statutes[7] which exist in our various states have generally been interpreted in the light of the civil law. The authorities unite in affirming that, for all purposes of inheritance *from* the adoptive parent, the adopted child becomes and is the lawful child of such adoptive parent save in so far as the statute authorizing the adoption may otherwise provide. His children inherit by representation the estate of his deceased adoptive parent as if they were grandchildren.[8] He has, under the intestate laws, all the rights of a child born in lawful wedlock.[9] He stands in the same position as a child born of the date of his adoption in jurisdictions where the birth of a child, subsequent to the making of a will, operates as a revocation of that will.[10]

With respect to inheritance by the adoptive father from or through the adopted child, there is some confusion of opinion. The weightier view, and in line with the civil law as herein expressed, is, that on the death of such child his estate goes to his blood relatives. "The statute, in so far as it changes the general course of descents and the distribution of intestate property, and ignores all

[4] Sandais Jushman, 113, 115, 119.

[5] Lord Mackenzie on the Roman Law, p. 131.

[6] 13 La. Ann., 516 (1858); to same effect is Gray v. Holmes, 57 Kan. 217 (1896).

[7] Pennsylvania Acts in point are: Act of May 4, 1855; Act of April 2, 1872; Act of May 19, 1887.

[8] Power v. Hafley, 85 Ky. 671 (1887); Gray v. Holmes, *infra*.

[9] Rowan's Estate, 132 Pa. 299 (1890); Buckley v. Frasier, 153 Mass. 525 (1891).

[10] Hilpire v. Claude, 109 Ia. 159 (1899); Flannigan v. Howard, 200 Ill. 366 (1902).

merit on account of blood, should be strictly construed. * * * Moreover, it is a statute primarily for the benefit of the adopted child."[11]

M. G.

CORPORATIONS—REVOCABILITY OF VOTING TRUSTS.—A recent decision in Pennsylvania, Comm. *ex rel.* Clark v. Roydhouse [1] appears to settle the law in that state in regard to the so-called voting trusts,—agreements among a majority of the stockholders to transfer their stock to a common trustee. In this case the agreement, whose object was "to protect and promote the individual interests of stockholders parties to the agreement," required the trustee to pay the dividends received directly to the holders of trust certificates and to vote the stock as directed by a committee appointed by the majority of them. The agreement was to remain in force for five years. At the instance of a party to it the agreement was declared invalid on the ground that under these facts it was not coupled with any beneficial interest in the trustee and hence revocable. The decision is in sharp contrast with Boyer v. Weslitt,[2] where an agreement of this sort was upheld on the ground that it contained all the elements of an active trust and that there was a beneficial interest in the trustee. In Pennsylvania, then, the rule seems to be that there is nothing contrary to public policy in the existence of voting trusts *per se,* but that under the general principles of the law of trusts, where such an agreement amounts to a dry trust, it will not be sustained.[3] In the case last cited the beneficial interest consisted in rights of management in the trustees and a complete control of the business policy of the corporation, including the power to purchase the interest of any contracting party at a valuation.

The law of voting trusts is of extremely modern origin. Up to 1891, it is said, no case was reported from the court of last resort of any state.[4] However, with the increasing complications arising from the extension of corporate bodies in number of stockholders and complexity of management, the desire for stability of control and a consistent business policy became more necessary and consequently the number of voting trusts and the litigation attendant

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[11] Upson v. Noble, 35 Ohio St. 655 (1880); Hale v. Robbins, 53 Wis. 514 (1881), *contra:* Humphries v. Davis, 100 Ind. 369 (1884); in some states this contingency is provided for by statute; see Swick v. Coleman, 218 Ill. 33 (1905).

[1] 82 Atl. 74 Pa. (1911).

[2] 227 Pa. 398 (1910).

[3] The same idea is shown in Vanderbilt v. Bennett, 6 C. C. (Pa.) 193 (1889), where the court declared such a dry trust void as against public policy and a statute, adding that even had it been good, it would have been revocable at will.

[4] Professor Simeon E. Baldwin, 1 Yale Law Journal, 1, 14 (1891).